

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JESUS MAGALLAN,

Plaintiff,

v.

CAROLYN W. COLVIN,
Commissioner of Social Security
Administration,

Defendant.

No. 1:14-CV-03142-RHW

**ORDER GRANTING MOTION FOR
REMAND**

Before the Court is a Stipulated Motion for Remand, ECF No. 20. The motion was heard without oral argument. Attorney D. James Tree represents Plaintiff and Special Assistant United States Attorney David J. Burdett represents Defendant (“the Commissioner”).

The parties jointly move the Court for an order remanding the above-captioned matter for further administrative proceedings. ECF No. 20 at 1. The parties represent to the Court that additional proceedings are necessary because evidence of new impairments has come forward since the prior administrative hearing. *Id.* at 2.

Based on the agreement of the parties and the record, the Court finds good cause to grant the stipulated motion to remand this matter. Accordingly, the Commissioner’s decision to deny Plaintiff’s application for disability benefits is

ORDER GRANTING MOTION FOR REMAND ~ 1

1 REVERSED and REMANDED for further proceedings including a *de novo*
2 hearing pursuant to sentence four of 42 U.S.C. § 405(g). Upon remand, the
3 Appeals Council will direct the Administrative Law Judge (“ALJ”) to offer
4 Plaintiff the opportunity for a new hearing and issue a new decision. The evidence
5 shows additional severe impairments since Plaintiff’s prior administrative hearing.
6 Therefore, there are changed circumstances, and the ALJ will reevaluate the
7 severity of Plaintiff’s impairments to determine whether they are disabling since
8 his alleged onset date of February 12, 2011. The ALJ will reevaluate the evidence,
9 including the opinions of Dr. McClelland; Nina Rapisarda, MSW; and Christopher
10 Clark. Upon proper application, Plaintiff will be entitled to attorney’s fees under
11 the Equal Access to Justice Act, 24 U.S.C. § 2412 *et seq.*

12 Accordingly, **IT IS HEREBY ORDERED:**

13 1. The Stipulated Motion for Remand, **ECF No. 20**, is **GRANTED**.

14 2. The Commissioner’s decision is **REVERSED** and this matter is
15 **REMANDED** for further administrative proceedings consistent with this order.

16 3. The District Court Executive shall enter judgment for the Plaintiff and
17 against Defendant.

18 4. All pending motions shall be terminated.

19 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
20 Order, forward copies to counsel, and **close the file**.

21 **DATED** this 1st day of July, 2015.

22
23 s/Robert H. Whaley
24 ROBERT H. WHALEY
25 Senior United States District Judge
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ORDER GRANTING MOTION FOR REMAND ~ 2